MONTANA LEGISLATIVE HISTORY

Chapter 324 19 81

Bill H _____ S 397 Original bill & history ✓ C

H. Committee on Human Services

Hearing Date(s) 3-18 ___C

_____ ___C

_____ ___C

_____ ___C

Date Out 3-18 ___C

S. Committee on Public Health

Hearing Date(s) 2-13 ___C

2-18 ___C

_____ ___C

_____ ___C

Date Out 2-18

Did this bill originate in an interim committee? ___Yes ___No

Committee _____ Report _____

REFERRED TO COMMITTEE ON HUMAN SERVICES: 3/3
REREFERRED TO COMMITTEE ON STATE ADMINISTRATION: 3/5
DIED IN COMMITTEE

SB 397 -- S. BROWN, HIMSL -- REESTABLISHING THE BOARD OF PSYCHOLOGISTS.
INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH: 2/7
HEARING: 2/13
REPORT: 2/19, DO PASS AS AMENDED -- STATEMENT OF INTENT ATTACHED
2ND READING: 2/21, DO PASS
3RD READING: 2/25, YEAS: 50

TRANSMITTED TO HOUSE: 2/25
REFERRED TO COMMITTEE ON HUMAN SERVICES: 3/3
HEARING: 3/18
REPORT: 3/19, BE CONCURRED IN
2ND READING: 3/28, YEAS: 75; NAYS: 4
3RD READING: 3/31, YEAS: 86; NAYS: 13

RETURNED TO SENATE: 3/31

TRANSMITTED TO GOVERNOR: 4/8/81
ACTION: 4/10, SIGNED
CHAPTER 324

SB 398 -- S. BROWN, HIMSL -- REESTABLISHING THE BOARD OF MORTICIANS.
INTRODUCED AND REFERRED TO COMMITTEE ON PUBLIC HEALTH: 2/7
HEARING: 2/13
REPORT: 2/19, DO PASS AS AMENDED -- STATEMENT OF INTENT ATTACHED
2ND READING: 2/21, DO PASS
3RD READING: 2/24, YEAS: 49; NAYS: 0

TRANSMITTED TO HOUSE: 2/24
REFERRED TO COMMITTEE ON HUMAN SERVICES: 3/3
HEARING: 3/18
REPORT: 3/19, BE CONCURRED IN, AS AMENDED
2ND READING: 3/26, YEAS: 70; NAYS: 2
3RD READING: 3/28, YEAS: 81; NAYS: 11

RETURNED TO SENATE WITH AMENDMENTS: 3/28
2ND READING: 4/3, YEAS: 23; NAYS: 20
3RD READING: 4/6, YEAS: 36; NAYS: 13

TRANSMITTED TO GOVERNOR: 4/10/81
ACTION: 4/15, SIGNED
CHAPTER 378

SB 399 -- MANLEY, TURNAGE, ELLIOTT -- TO PROVIDE FOR VOTER APPROVAL OF A LAND-USE MASTER PLAN...
INTRODUCED AND REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/7
HEARING: 2/14
REPORT: 2/16, DO PASS
2ND READING: 2/18, YEAS: 37; NAYS: 10
3RD READING: 2/20, YEAS: 45; NAYS: 5

TRANSMITTED TO HOUSE: 2/20
REFERRED TO COMMITTEE ON LOCAL GOVERNMENT: 2/21
HEARING: 3/10
REPORT: 3/23, BE CONCURRED IN, AS AMENDED

47TH LEGISLATIVE SESSION

COMMITTEE ON PUBLIC HEALTH, WELFARE & SAFETY

SENATE BILL NO.	ENTERED COMM.	DATE CONSIDERED	OUT OF COMM.	DO PASS DATE	DO NOT PASS DATE	DO PASS AS AMEND. DATE	BE CONCURRED IN DATE	BE CONC. IN AS AMENDED DATE	BE NOT CONCURRED IN DATE
SB 348	2-2	2-9,28	2-18		2-18				
SB 351	2-2	2-9,18	2-18		2-18				
SB 365	2-4	2-11	2-11			2-11			
SB 366	2-5	2-16,18	2-18		2-18				
SB 374	2-5	2-13,18	2-18		2-18				
SB 388	2-7	2-19,20	2-20		2-20				
SB 389	2-7	2-13	2-13	2-13					
SB 390	2-7	2-13,18	2-18	2-18					
SB 391	2-7	2-18,20	2-20	2-20					
SB 392	2-7	2-16,18	2-18			2-18			
SB 393	2-7	2-11	2-11	2-11					
SB 394	2-7	2-13	2-13			2-13			
SB 396	2-7	2-16,18	2-18	2-18					
SB 397	2-7	2-13,18	2-18			2-18			
SB 398	2-7	2-13,18	2-18			2-18			
SB 406	2-9	2-16	2-16	2-16					

Use a separate sheet for Senate, House Bills, and Resolutions.

Senate BILL NO. 397

INTRODUCED BY Steve Brown Himsl

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1617, 33-22-111, 37-17-102, 37-17-104, AND 37-17-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, MCA, terminates the Board of Psychologists and requires a performance evaluation of the Board by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Psychologists be reestablished under existing statutory authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

LC 0979/01

Section 1. Reestablishment. The board of psychologists is reestablished for 6 years pursuant to 2-8-122 with its existing statutory authority and rules.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and air conditioning, department of professional and occupational licensing, created by 2-15-1656;

(d) board of institutions, department of institutions, created by 2-15-2303.

(2) The following agencies shall terminate on July 1, 1981:

(a) commission for human rights, department of labor and industry, created by 2-15-1706;

(b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;

(c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;

(d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613;

(e) board of cosmetologists, department of professional and occupational licensing, created by 2-15-1626;

(f) board of dentists, department of professional and occupational licensing, created by 2-15-1606;

(g) board of hearing aid dispensers, department of professional and occupational licensing, created by 2-15-1616;

(h) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627;

(i) Montana state board of medical examiners, department of professional and occupational licensing, created by 2-15-1605;

(j) board of morticians, department of professional and occupational licensing, created by 2-15-1619;

(k) board of nursing, department of professional and occupational licensing, created by 2-15-1610;

(l) board of nursing home administrators, department of professional and occupational licensing, created by 2-15-1611;

(m) board of optometrists, department of professional and occupational licensing, created by 2-15-1612;

(n) board of osteopathic physicians, department of professional and occupational licensing, created by

2-15-1607;

(o) board of pharmacists, department of professional and occupational licensing, created by 2-15-1609;

(p) board of podiatry examiners, department of professional and occupational licensing, created by 2-15-1608;

~~(q) board of psychologists, department of professional and occupational licensing, created by 2-15-1617~~

~~(r)~~(q) board of radiologic technologists, department of professional and occupational licensing, created by 2-15-1614;

~~(s)~~(r) board of speech pathologists and audiologists, department of professional and occupational licensing, created by 2-15-1615;

~~(t)~~(s) board of veterinarians, department of professional and occupational licensing, created by 2-15-1618;

~~(u)~~(t) board of veterans' affairs, department of social and rehabilitation services, created by 2-15-2202;

~~(v)~~(u) board of sanitarians, department of professional and occupational licensing, created by 2-15-1631.

(3) The following units of state government shall terminate on July 1, 1983:

(a) board of aeronautics, department of community

affairs, created by 2-15-1103;

(b) state board of hail insurance, department of agriculture, created by 2-15-3003;

(c) board of horse racing, department of professional and occupational licensing, created by 2-15-1662;

(d) board of livestock, department of livestock, created by 2-15-3102;

(e) board of milk control, department of business regulation, created by 2-15-1802;

(f) board of oil and gas conservation, department of natural resources and conservation, created by 2-15-3303;

(g) Montana outfitters council, department of fish, wildlife, and parks, created by 2-15-3403;

(h) public service commission, department of public service regulation, created by 69-1-102;

(i) board of water and wastewater operators, department of health and environmental sciences, created by 2-15-2105;

(j) board of water well contractors, department of professional and occupational licensing, created by 2-15-1632.

(4) The following agencies terminate on July 1, 1985:

(a) the board of public accountants, created by 2-15-1641;

(b) the board of architects, created by 2-15-1651;

(c) state banking board, department of business regulation, created by 2-15-1803;

(d) the state electrical board, created by 2-15-1654;

(e) the board of professional engineers and land surveyors, created by 2-15-1653;

(f) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;

(g) office of the securities commissioner, state auditor's office, created by 2-15-1901;

(h) the board of landscape architects, created by 2-15-1652;

(i) the board of county printing, created by 2-15-1102;

(j) the board of plumbers, created by 2-15-1655;

(k) board of physical therapy examiners, created by 2-15-1628.

(5) The following agency terminates on July 1, 1987: board of psychologists, department of professional and occupational licensing, created by 2-15-1617."

Section 3. Section 2-15-1617, MCA, is amended to read:

"2-15-1617. Board of psychologists. (1) There is a board of psychologists.

(2) The board consists of ~~three~~ five members appointed by the governor. ~~The governor shall appoint all members,~~

 SB 397

~~including--a-member-filling-a-vacancy-for-an-unexpired-term, from-the-list-of-licensed-psychologists-in-this--state.~~ One member must be a licensed psychologist in private practice, one member must be a licensed psychologist in public health, one member must be a licensed psychologist engaged in the teaching of psychology, and two members must be from the general public. A member may not succeed himself but may be reappointed after 3 years following the termination of his previous appointment. Each member shall be a citizen of the United States and a resident of this state.

(3) ~~Each member~~ Members shall serve ~~for a term of 3 years~~ staggered 3-year terms."

Section 4. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the ~~insured shall~~ have full freedom of choice in ~~the~~ selection of any duly licensed physician, osteopath, chiropractor, ~~optometrist~~, chiropodist, or ~~clinical~~ psychologist for treatment of any illness or injury within the scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any

duly licensed and registered pharmacist.

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 5. Section 37-17-102, MCA, is amended to read:

"37-17-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest association of secondary and higher schools.

(2) "Board" means the board of psychologists provided for in 2-15-1617.

(3) "Department" means the department of professional and occupational licensing provided for in Title 2, chapter 15, part 16.

(4) A person represents himself to be a "psychologist" when he holds himself out to the public by a title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services defined in subsection (5) of this section to

individuals, groups, corporations, or the public for compensation or fee.

(5) "Practice of psychology" means the application, while representing oneself to be a psychologist, of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and behavior modification, including psychotherapeutic techniques and hypnosis; and constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivation."

Section 6. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. This chapter does not prevent:

(1) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, or educators, from doing work of a psychological nature consistent with their training ~~and the codes of ethics of their respective professions~~ if they do not hold themselves out to the public by a title or description incorporating the words "psychology" or "psychologist";

(2) the activities, services, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal agency or of other political

subdivisions or an educational or charitable institution insofar as these activities and services are a part of the duties of his office or position with the agency or institution;

(3) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of his supervised course of study;

(4) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of his residence to perform these activities and services; however, these persons shall report to the department the nature and extent of the services in this state if they exceed 10 days in a calendar year;

(5) a person authorized by the laws of the state or country of his former residence to perform activities and services, who has recently become a resident of this state and who has applied for a license in this state, from performing such activities and services pending disposition of his application;

(6) the use of the term "social psychologist" by a person who:

(a) has been graduated with a doctoral degree in sociology or social psychology from an institution and whose credits in sociology or social psychology are acceptable by a recognized educational institution;

(b) has passed comprehensive examinations in the field of social psychology as part of the requirement for the doctoral degree or who has had equivalent specialized training in social psychology; and

(c) has filed with the department a statement of facts demonstrating his compliance with this subsection;

(7) the offering of lecture services for a fee by a person exempted from licensing requirements by virtue of his employment;

(8) activities of a psychological nature on the part of a person who is a salaried employee of an accredited academic institution, governmental agency, research laboratory, or business corporation if he is performing the duties for which he is employed by the organization within the confines of the organization."

Section 7. Section 37-17-311, MCA, is amended to read:

"37-17-311. Denial or revocation of license -- grounds -- notice and hearing. (1) A license applied for or issued under this chapter may be refused or revoked by the board on

proof that the person to whom the license was issued:

~~(a) has been convicted of a felony~~

~~(b)~~(a) has been guilty of fraud or deceit in securing the license or a renewal;

~~(c)~~(b) is using a narcotic or an alcoholic beverage to an extent that the use impairs his ability to perform the work of a professional psychologist with safety to the public; or

~~(d)~~(c) has been guilty of unprofessional conduct as defined by the code of ethics ~~published by the American psychological association~~ adopted by the board.

(2) The board may not revoke or refuse to issue or renew a license for any cause other than failure to pay fees unless the person is given notice and opportunity for a hearing before the board."

Section 8. Effective date. This act is effective on passage and approval.

-End-

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMISSION
MONTANA STATE SENATE

February 13, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on February 13, 1981, at 1:00 p.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present except Senator Johnson. Kathleen Harrington, staff researcher, was also present.

Many visitors were in attendance. (See attachment)

CONSIDERATION OF SENATE BILL 394: Senator Matt Himsl of Senate District 9, chief sponsor of S.B. 394, gave a brief resume. This bill is an act to re-establish the Board of Chiropractors under existing statutory authority and rules, and adding a public member to the board; and providing an immediate effective date.

Harold Gerke, representing the Montana Chiropractic Assoc., appeared in support of the bill and stated that he would like to see the bill amended to eliminate the mandatory education. Mr. Gerke then asked for adoption of the amendments with the bill.

Dr. James Massman, representing the Montana Chiropractic Assoc., stated that he supports the amendments to S.B. 394 and the bill itself. Dr. Massman then asked for a DO PASS recommendation from the committee.

Dr. Carsoc Albert of the Board of Chiropractors stood in support of the bill.

With no further proponents Chairman Hager called on the opponents. Hearing none the meeting was opened to a question and answer period from the committee.

Senator Halligan asked why delete the education part of the bill.

Senator Himsl explained that there is another bill coming which provides for the education.

Scott Secat from the Legislative Audit Committee stated that each individual board sets their own criteria.

DISPOSITION OF SENATE BILL 394: A motion was made by Senator Himsl that SB 394 be amended as follows:

1. Title, line 7.
Following: "BOARD;"

CONSIDERATION OF SENATE BILL 397: Senator Matt Himsl of Senate District 9, co-sponsor of SB 397, gave a brief resume. This bill is: "AN ACT TO REESTABLISH THE BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

This Bill:
(1) restablishes the board under existing statutory authority and rules.
(2) changes the board membership from five psychologists to:
(a) one licensed psychologist in private practice.
(b) one licensed psychologist in public health.
(c) one licensed psychologist engaged in teaching
(d) two public members
(3) changes the three (3) years terms to staggered terms.
(4) In section 4, by eliminating "clinical" it provides for all psychologists to be compensated under policies of disability insurance.
(5) changes the definition of practice of psychology to include "while representing oneself to be a psychologist"
(6) deletes code of ethic requirement for exempted professions when they are doing work of a psychological nature.
(7) Deletes felony conviction as grounds for denial or revocation of a license.
(8) Allows revocation or denial for unprofessional conduct as defined by code of ethics adopted by the board rather than those published by the American Psychological Association.

Bailey Molineux, representing the Montana Psychologists Association, stood in support of the bill as submitted as it protects the consumer.

Steve Szykula, representing himself, a licensed psychologist, stood in support of the bill.

Jan Brown, representing the Montana Mental Health Association, stood in support of the bill.

With no further proponents, Senator Hager called on the opponents. Hearing none, the meeting was opened to a question and answer period from the Committee.

Senator Berg asked why one could not succeed himself on the board. Senator Himsl explained that this was so proprietorship would not be established on the Board.

Senator Himsl asked for support from the Committee as this Board works with a very sensitive and private area.

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date 2-6

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	✓		
Matt Himsl	✓		
S. A. Olson	✓		
Jan Johnson		✓	
Dr. Bill Norman	✓		
Harry K. Berg	✓		
Michael Halligan	✓		

Each day attach to minutes.

DATE _____

COMMITTEE ON Public Health

VISITORS' REGISTER

NAME	REPRESENTING	BILL #	Check One: Support	Check One: Oppose
Howard E. Gibson	Mont Assoc Counties	394	X	
James B. Mossman D.C	Montana Chiropractic Assn	394	X	
Scott A. Seaman	OLA	SUNSET		
Richard Vanier	Self	390		
Jim Pellegrini	OLA	Sunset		
Bailey Molmenty	MPA	397	X	
Conrad E. Ackert	Board of Chiropractors	394	X	
Roland DeNIT	MT Funeral Directors Assc	374	X	
[illegible]	[illegible]	[illegible]	X	
Jack H. Lovaas	Chm. Std. Cty. Montana	374/375	X	
L. E. Reddi	[illegible]	374/375	X	
[illegible]	[illegible]	374/[illegible]	X	
Tom E. Hark	MT Board of Morticians	374/398	X	
Lloyd Linden	Mormon Ch of Funeral Home Helena	374/398	398 X	374 X
[illegible]	VFW		X	
[illegible]	Self	SB 389	✓	
[illegible]	MT Assoc Mortuaries	SB 390	✓	
[illegible]	Self	SB 394	✓	
John W. Northey	OLA	Sunset		
Steven Szykula	Self PSYCHOLOGY Licensing		X	
Jan Brown	Mental Health Assn	397	X	

MINUTES OF THE MEETING
PUBLIC HEALTH, WELFARE AND SAFETY COMMITTEE
MONTANA STATE SENATE

FEBRUARY 18, 1981

The meeting of the Public Health, Welfare and Safety Committee was called to order by Chairman Tom Hager on Wednesday, February 18, 1981 at 6:30 p.m. in Room 410 of the State Capitol Building.

ROLL CALL: All members were present. However, Senator Berg arrived late. Kathleen Harrington, staff researcher, was also present.

DISPOSITION OF SENATE BILL 348: Senator Mike Anderson is the sponsor of this bill. This bill is an act to amend the law relating to the treatment and release of developmentally disabled and mentally ill persons.

A motion was made by Senator Halligan that SB 348 receive a DO NOT PASS recommendation from the Committee. Motion carried unanimously.

DISPOSITION OF SENATE BILL 351: Senator Mark Etchart is the sponsor of SB 351. This bill is an act to remove motorcycles from the list of vehicles that are exempt from the provisions of the mandatory liability protection law governing owners of motor vehicles.

Senator Hager stated that the liability insurance would not cover injuries which the owner of the motorcyles would receive.

Senator Norman stated that auto insurance will cover motorcyles in an accident, but it will not work visa versa.

Senator Himsl stated that the cost is prohibitive in Montana to insure motorcyles, considering the length of time which one can ride them. They cannot be insured for less than an one year period.

Senator Halligan made a motion that the Committee pass consideration of SB 351 temporarily. Motion carried.

DISPOSITION OF SENATE BILL 374: Senator Berg is the sponsor of SB 374. This bill is an act to revise and clarify laws relating to morticians by clarifying the reciprocity provisions for morticians licensed in another state; by requiring continuting education for renewal of a mortician's license after July 1, 1983; and by establishing fees for original mortuary licenses and renewal thereof; and providing an

DISPOSITION OF SENATE BILL 351: This is the motorcyle bill which was previously discussed.

A motion was made by Senator Johnson that SB 351 receive a DO NOT PASS recommendation from the Committee. Motion carried with all Senators voting "yes" except Senator Norman who voted "no".

DISPOSITION OF SENATE BIL 396: Senator Steve Brown is the sponsor of SB 396. This bill is an act to eliminate reference to the Board of Massage Therapists; and providing an effective date.

A motion was made by Senator Berg that SB 396 receive a recommendation of DO PASS from the Committee. Motion carried with all Senators voting "yes" except Senators Hager and Halligan who voted "no".

DISPOSITON OF SENATE BILL 390: Senator Matt Himsl is the sponsor of SB 390. This bill is an act to reestablish the Board of, Pharmacists under existing statutory authority and rules; adding a public member to the board; deleting the store license requirement; deleting the mandatory continuing education requirement; deleting felony conviction as grounds for denial or revocation of license; and providing and effective date.

A motion was made by Senator Himsl that SB 390 receive a DO PASS recommendation from the Committee. Motion carried.

DISPOSITION OF SENATE BILL 397: The sponsor of this bill is Senator Steve Brown. This bill is an act to reestablish the Board of Psychologists under existing statutory authority and rules; adding two public members to the board; amending the definition of psychology; deleting code of ethics requirement for exempted professions; amending the definition of psychologists in the insurance law; deleting felony conviction as grounds for denial or revocation of a license; and providing an immediate effective date.

A motion was made by Senator Himsl that SB 397 receive a DO PASS recommendation from the Committee.

A motion was made by Senator Berg that SB 397 be amended on page 7, line 9; following: "approintment"; strike: "each member shall be a citizen of the United States and a resident of this state." Motion carried.

Senator Olson stated that if left in this would be against the constitution.

Senator Berg stated that it appears that every board if different.

A motion was made by Senator Himsl that SB 397 receive a recommendation of DO PASS, AS AMENDED from the Committee. Motion carried unanimously.

A motion was made by Senator Berg that the Statement of Intent for SB 397 be adopted. Motion carried.

DISPOSITION OF SENATE BILL 366: This bill is an act to re-establish the Board of Podiatry examiners under existing statutory authority and rules; to provide for one public member to replace one podiatry member on the board; to generally revise and clarify the podiatry law; and providing an immediate effective date.

Senator Berg made a motion that SB 366 DO NOT PASS.

Senator Norman stated that he could not see putting a podiatrist on the Board of Medical Examiners as there are 1,000 medical doctors in the state and only 7 on them on the Board of Medical Examiners. There are 24 podiatrist in the state and they would like to have a place on the board.

A vote was taken on the motion of Senator Berg. Motion carried.

DISPOSITION OF SENATE BILL 392: Senator Steve Brown is the sponsor of SB 392. This bill is an act to terminate the Board of Podiatry Examiners and transfer regulations of podiatrists to the Board of Medical Examiners; removing statutory passing grade on examination; modifying penalty provisions; providing for transfer of funds and records; continuing existing rules and providing an effective date.

Senator Norman stated that podiatrist are not as trained as well as physicians.

A motion was made by Senator Norman that Section 1 be struck in its entirety. Motion carried.

A motion was made by Senator Halligan that the bill be amended in the title on line 7, following: "Examiners;"; strike: "adding a podiatrist to the Board of Medical Examiners". Motion carried with everyone voting "yes" except Senator Himsl, who voted "no".

ROLL CALL

PUBLIC HEALTH, WELFARE & SAFETY COMMITTEE

47th LEGISLATIVE SESSION - - 1981 Date

NAME	PRESENT	ABSENT	EXCUSED
Tom Hager	✓		
Matt Himsl	✓		
S. A. Olson	✓		
Jan Johnson	✓		
Dr. Bill Norman	✓		
Harry K. Berg	✓		
Michael Halligan	✓		

Each day attach to minutes.

STANDING COMMITTEE REPORT

FEBRUARY 18, 19 81

MR. PRESIDENT:

We, your committee on PUBLIC HEALTH, WELFARE & SAFETY

having had under consideration SENATE Bill No. 397

Respectfully report as follows: That SENATE Bill No. 397,

introduced bill, be amended as follows:

1. Page 7, line 9.
Following: "appointment."
Strike: "Each member shall be a citizen of the United States and a resident of this state."

And as Amended,
DO PASS

STATEMENT OF INTENT ATTACHED

SENATOR TOM HAGER Chairman.

STATE PUB. CO.
Helena, Mont.

STANDING COMMITTEE REPORT

FEBRUARY 20 1981

MR. PRESIDENT

We, your committee on PUBLIC HEALTH

having had under consideration Statement of Intent, Senate Bill No 397

Respectfully report as follows: That Statement of Intent, Senate Bill No 397 be adopted.

STATEMENT OF INTENT RE: SB 397

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Psychologists in Section 7.

It is the intent of this bill that the Board adopt a code of ethics to define professional and unprofessional conduct by psychologists with primary emphasis being the protection of the public. The Board may adopt the code of ethics published by the American Psychological Association, and any subsequent revisions to the code may also be adopted.

First adopted by the Senate Public Health Committee on the 18th day of February, 1981.

~~DO PASS~~

T.H.

SENATOR TOM HAGER Chairman.

STATE PUB. CO.
Helena, Mont.

STATUS SHEET

HUMAN SERVICES COMMITTEE

1981 Legislature (47th Legislative Session)

Bill No.	Subject Matter	Date In	Sponsor	Hearing Date	Committee Action	Date Out
HJR 20	Requesting an interim study of the current overall functions and staffing of the D of I to determine the effectiveness of services; and requiring a report.	1/28	Menahan	3/25	DO PASS	3/25
HJR 26	Requesting an interim study of the feasibility of combining in one dept. functions relating to DD presently performed by the Dept. of SRS and the D of I.	2/7	Moore	3/25	DO PASS AS AMENDED	3/25
SB 390	To reestablish the board of pharmacists; add a member; delete store license and continuing education, felony convict. as grnds. of revoc.	3/3	Brown	3/18/81	AS AMENDED BE CONCURRED IN	3/19
SB 391	To reestab. Bd. of Dentistry add member; delete require. of appt. select; delet reimburs. for travel; emerg. fund; hygienist serv.	3/3	Brown	3/18/81	AS AMENDED BE CONCURRED IN	3/20
SB 396	To eliminate references to the board of massage therapists	3/3	Brown	TRANSFERRED	OUT	
SB 397	Reestab. bd. of psychologists add public members; amend. defin.; delete code of ethics require. for exemptions/ definition of psychologist	3/3	Brown	3/18/81	BE CONCURRED IN	3/19

Form CS-32
1-79

STATEMENT OF INTENT

SENATE BILL 397

Senate Public Health Committee

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Psychologists in section 7.

It is the intent of this bill that the Board adopt a code of ethics to define professional and unprofessional conduct by psychologists with primary emphasis being the protection of the public. The Board may adopt the code of ethics published by the American Psychological Association, and any subsequent revisions to the code may also be adopted.

First adopted by the Senate Public Health Committee on the 18th day of February, 1981.

SENATE BILL NO. 397

INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1617, 33-22-111, 37-17-102, 37-17-104, AND 37-17-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

WHEREAS, the sunset law, sections 2-8-103 and 2-8-112, MCA, terminates the Board of Psychologists and requires a performance evaluation of the Board by the Legislative Audit Committee; and

WHEREAS, as a result of the performance evaluation, the Legislative Audit Committee recommends that the Board of Psychologists be reestablished under existing statutory authority.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

SB 0397/02

Section 1. Reestablishment. The board of psychologists is reestablished for 6 years pursuant to 2-8-122 with its existing statutory authority and rules.

Section 2. Section 2-8-103, MCA, is amended to read:

"2-8-103. Agencies to terminate. (1) The following agencies shall terminate on July 1, 1979:

(a) board of abstracters, department of professional and occupational licensing, created by 2-15-1643;

(b) board of real estate, department of professional and occupational licensing, created by 2-15-1642;

(c) state board of warm air heating, ventilation, and air conditioning, department of professional and occupational licensing, created by 2-15-1656;

(d) board of institutions, department of institutions, created by 2-15-2303.

(2) The following agencies shall terminate on July 1, 1981:

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(b) board of athletics, department of professional and occupational licensing, created by 2-15-1661;

(c) board of barbers, department of professional and occupational licensing, created by 2-15-1625;

(d) board of chiropractors, department of professional and occupational licensing, created by 2-15-1613;

THIRD READING

(e) board of cosmetologists, department of professional and occupational licensing, created by 2-15-1626;

(f) board of dentists, department of professional and occupational licensing, created by 2-15-1606;

(g) board of hearing aid dispensers, department of professional and occupational licensing, created by 2-15-1616;

(h) board of massage therapists, department of professional and occupational licensing, created by 2-15-1627;

(i) Montana state board of medical examiners, department of professional and occupational licensing, created by 2-15-1605;

(j) board of morticians, department of professional and occupational licensing, created by 2-15-1619;

(k) board of nursing, department of professional and occupational licensing, created by 2-15-1610;

(l) board of nursing home administrators, department of professional and occupational licensing, created by 2-15-1611;

(m) board of optometrists, department of professional and occupational licensing, created by 2-15-1612;

(n) board of osteopathic physicians, department of professional and occupational licensing, created by

2-15-1607;

(o) board of pharmacists, department of professional and occupational licensing, created by 2-15-1609;

(p) board of podiatry examiners, department of professional and occupational licensing, created by 2-15-1608;

~~(q) board of psychologists, department of professional and occupational licensing, created by 2-15-1617;~~

~~(r)~~(q) board of radiologic technologists, department of professional and occupational licensing, created by 2-15-1614;

~~(s)~~(r) board of speech pathologists and audiologists, department of professional and occupational licensing, created by 2-15-1615;

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~~(u)~~(t) board of veterans' affairs, department of social and rehabilitation services, created by 2-15-2202;

~~(v)~~(u) board of sanitarians, department of professional and occupational licensing, created by 2-15-1631.

(3) The following units of state government shall terminate on July 1, 1983:

(a) board of aeronautics, department of community

affairs, created by 2-15-1103;

(b) state board of hail insurance, department of agriculture, created by 2-15-3003;

(c) board of horse racing, department of professional and occupational licensing, created by 2-15-1662;

(d) board of livestock, department of livestock, created by 2-15-3102;

(e) board of milk control, department of business regulation, created by 2-15-1802;

(f) board of oil and gas conservation, department of natural resources and conservation, created by 2-15-3303;

(g) Montana outfitters council, department of fish, wildlife, and parks, created by 2-15-3403;

(h) public service commission, department of public service regulation, created by 69-1-102;

(i) board of water and wastewater operators, department of health and environmental sciences, created by 2-15-2105;

(j) board of water well contractors, department of professional and occupational licensing, created by 2-15-1632.

(4) The following agencies terminate on July 1, 1985:

(a) the board of public accountants, created by 2-15-1641;

(b) the board of architects, created by 2-15-1651;

(c) state banking board, department of business regulation, created by 2-15-1803;

(d) the state electrical board, created by 2-15-1654;

(e) the board of professional engineers and land surveyors, created by 2-15-1653;

(f) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;

(g) office of the securities commissioner, state auditor's office, created by 2-15-1901;

(h) the board of landscape architects, created by 2-15-1652;

(i) the board of county printing, created by 2-15-1102;

(j) the board of plumbers, created by 2-15-1655;

(k) board of physical therapy examiners, created by 2-15-1628.

(5) The following agency terminates on July 1, 1987: board of psychologists, department of professional and occupational licensing, created by 2-15-1617."

Section 3. Section 2-15-1617, MCA, is amended to read:

"2-15-1617. Board of psychologists. (1) There is a board of psychologists.

(2) The board consists of ~~three~~ five members appointed by the governor. ~~The governor shall appoint all members,~~

~~including a member filling a vacancy for an unexpired term, from the list of licensed psychologists in this state.~~ One member must be a licensed psychologist in private practice, one member must be a licensed psychologist in public health, one member must be a licensed psychologist engaged in the teaching of psychology, and two members must be from the general public. A member may not succeed himself but may be reappointed after 3 years following the termination of his previous appointment. ~~Each member shall be a citizen of the United States and a resident of this state.~~

(3) ~~Each member~~ Members shall serve ~~for a term of 3 years~~ staggered 3-year terms."

Section 4. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, osteopath, chiropractor, optometrist, chiropodist, or ~~clinical~~ psychologist for treatment of any illness or injury within the scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any

duly licensed and registered pharmacist.

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 5. Section 37-17-102, MCA, is amended to read:

"37-17-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest association of secondary and higher schools.

(2) "Board" means the board of psychologists provided for in 2-15-1617.

(3) "Department" means the department of professional and occupational licensing provided for in Title 2, chapter 15, part 16.

(4) A person represents himself to be a "psychologist" when he holds himself out to the public by a title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services defined in subsection (5) of this section to

individuals, groups, corporations, or the public for compensation or fee.

(5) "Practice of psychology" means the application, while representing oneself to be a psychologist, of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and behavior modification, including psychotherapeutic techniques and hypnosis; and constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivation."

Section 6. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. This chapter does not prevent:

(1) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, or educators, from doing work of a psychological nature consistent with their training ~~and the codes of ethics of their respective professions~~ if they do not hold themselves out to the public by a title or description incorporating the words "psychology" or "psychologist";

(2) the activities, services, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal agency or of other political

subdivisions or an educational or charitable institution insofar as these activities and services are a part of the duties of his office or position with the agency or institution;

(3) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of his supervised course of study;

(4) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of his residence to perform these activities and services; however, these persons shall report to the department the nature and extent of the services in this state if they exceed 10 days in a calendar year;

(5) a person authorized by the laws of the state or country of his former residence to perform activities and services, who has recently become a resident of this state and who has applied for a license in this state, from performing such activities and services pending disposition of his application;

(6) the use of the term "social psychologist" by a person who:

(a) has been graduated with a doctoral degree in sociology or social psychology from an institution and whose credits in sociology or social psychology are acceptable by a recognized educational institution;

(b) has passed comprehensive examinations in the field of social psychology as part of the requirement for the doctoral degree or who has had equivalent specialized training in social psychology; and

(c) has filed with the department a statement of facts demonstrating his compliance with this subsection;

(7) the offering of lecture services for a fee by a person exempted from licensing requirements by virtue of his employment;

(8) activities of a psychological nature on the part of a person who is a salaried employee of an accredited academic institution, governmental agency, research laboratory, or business corporation if he is performing the duties for which he is employed by the organization within the confines of the organization."

Section 7. Section 37-17-311, MCA, is amended to read:

"37-17-311. Denial or revocation of license -- grounds -- notice and hearing. (1) A license applied for or issued under this chapter may be refused or revoked by the board on

proof that the person to whom the license was issued:

~~(a) has been convicted of a felony;~~

~~(b)~~ (a) has been guilty of fraud or deceit in securing the license or a renewal;

~~(c)~~ (b) is using a narcotic or an alcoholic beverage to an extent that the use impairs his ability to perform the work of a professional psychologist with safety to the public; or

~~(d)~~ (c) has been guilty of unprofessional conduct as defined by the code of ethics ~~published by the American psychological association~~ adopted by the board.

(2) The board may not revoke or refuse to issue or renew a license for any cause other than failure to pay fees unless the person is given notice and opportunity for a hearing before the board."

Section 8. Effective date. This act is effective on passage and approval.

-End-

MINUTES OF THE MEETING OF THE HUMAN SERVICES COMMITTEE
March 18, 1981

The Human Services Committee convened at 12:30 p.m. on Wednesday, March 18, 1981, in room 436 of the Capitol, with CHAIRMAN BUDD GOULD presiding. All members were present with the exception of REPRESENTATIVES BARDANOUVE and BRAND.

SB 390.

SENATOR HIMSL opened the hearing on SB 390, which is to reestablish the Board of Pharmacy. He explained the new sections and the deletions appearing on the third reading copy of SB 390.

PROPONENTS:

FRANK DAVIS, of Great Falls, representing the Montana Pharmaceutical Association, stated that he supports the bill with one exception--the repealer for a law passed in 1977, requiring continuing education in pharmacies. He offered an amendment to remove the repealer, as the board feels continuing education is necessary. He presented written testimony. (EXHIBIT I)

ED CARNEY, representing the Department of Occupational Licensing, appeared in favor of the bill. He concurred with Mr. Davis that there was a need to exclude the repealer on continuing education. Section 6 should be removed, he felt.

DENNIS YOST, the director of pharmacy at St. Peter's Hospital in Helena, and president of the Montana Society of Hospital Pharmacies, supported continuing education in a mandatory setting, he said. In his position at St. Peter's Hospital, he is expected to teach both nurses and doctors about available drugs. He said the programs must be available for the pharmacists to further their education.

BECKY DESCHAMPS, a community pharmacist in Missoula, said there are new drugs put out each month and programs to teach pharmacists are much broader than before. A pharmacist's role is changing and includes counseling, she said. She read a letter written by James Van Campen, the senior citizen's center director in Missoula (EXHIBIT II) in which he stated the importance of counseling by pharmacists. He said that senior citizens depend upon the programs put on by pharmacists. She also presented letters to the committee from other senior citizens for the record (EXHIBITS IIa, IIb, IIc).

CHAIRMAN GOULD said that he had been informed that many more proponents had planned to attend but that, due to poor road conditions, they were unable to come.

OPPONENTS: There were none.

DR. ERICKSON said he knew of none, but felt that situation should be considered possible and planned for.

REP. KEYSER asked if any changes had been made on the board in the last three years. DR. WOOD said that a voting hygienist has been added to the board.

REP. KEYSER asked if the rules were made by the board. DR. WOOD said that some rules are addressed by statute, and by other bills--SB 412, for example, and also by the Department of Occupational Licensing. Another change by the board is that Montana now uses a regional testing service.

REP. KEYSER asked if the regional testing service allows reciprocity between states. DR. WOOD said it would depend on the states, and where and when the test had been taken. Oregon, Utah, Arizona, Colorado and Montana tests are accepted for licensing in Montana, he said.

ROGER TIPPY stated that a bill passed in a previous session added the regional testing in lieu of testing here in Helena. The companion bill, including a hygienist on the board also passed at that time, he said.

REP. KEYSER asked if there had been fewer problems since those bills had been in effect. DR. WOOD believed so, and felt the testing content and conditions had become much more uniform.

REP. SEIFERT asked if a dental hygienist could take the examination for licensing in Montana. DR. WOOD said the examination was given here in Helena at Carroll College.

SENATOR HIMSL pointed out to the committee that a hygienist is a well-educated professional. When the bill was developed, he stated, it was felt that a dentist should be able to determine whether or not supervision was necessary for his hygienist. He urged passage of the bill as written, and closed the hearing.

SB 397.

SENATOR STEVE BROWN opened the hearing on SB 397, which is to reestablish the board of psychology. He explained the provisions of the bill which included expanding the board to 5 members: 1 psychologist in practice, 1 in teaching, 1 in public health, as well as 2 members from the general public. They are to serve on staggered 3-year terms. The main thrust of the bill is to provide insurance reimbursement for any psychologist providing services, he said. Another provision of the bill deletes the provision which denies licensing for

a person who has served a prison term. He felt that once a person has served his sentence, he has rights to practice his profession.

ED CARNEY, of the Department of Occupational Licensing, said that the board members of the Board of Psychology were not able to be present and that he was representing them. He feels the enlargement of the board will have a financial impact and said that, because there were only 100 licensed psychologists in the state, he felt a 5-member board was too large. He agreed with the public members being part of the board, however. (EXHIBIT VIII).

DR. PAUL MOOMAN, a clinical psychologist representing the Montana Psychological Association, testified in favor of the bill.

QUESTIONS FROM THE COMMITTEE:

REP. KEYSER asked why the board had been increased when the Board of Psychology had been unhappy with the increase. SENATOR BROWN said that the Board of Psychology had never contacted him about any opposition to the increase, and that the Audit Committee had made the increase to solve problems between psychologists in practice, teaching and public health. He felt the board's size could be reduced by eliminating a public member.

REP. KEYSER asked what were the revenues. SCOTT SECATT, of the Audit Office, said the revenues are $1,500 per year and that there is a balance of $5,600 in the board's account.

CHAIRMAN GOULD asked what was the cost of licensing. SECATT said the application fee is $50, the examination fee is $65 and the renewal fee is $50.

SENATOR BROWN closed the hearing on the bill.

SB 398.

SENATOR STEVE BROWN opened the hearing on SB 398, which reestablishes the Board of Morticians. According to BROWN, one change is reducing the size of the board from 6 to 5 members. Another change is the addition of educational requirements. Exposure of funeral costs was dealt with in new section 7. The morticians had requested an amendment dealing with continuing education, and SENATOR BROWN said he had no objection to it.

PROPONENTS:

ROLAND D. PRATT, executive director of the Montana Funeral

REP. NILSON moved that SB 390 DO PASS. He then moved the amendments to strike Section 6 and correcting the title. The motion was seconded and PASSED UNANIMOUSLY. REP. NILSON's motion for DO PASS AS AMENDED was seconded and PASSED UNANIMOUSLY.

REP. KEYSER MOVED TO RECONSIDER SB 390, so that he could offer an amendment. REP. KEYSER MOVED TO AMEND the bill on page 7, line 3, striking "3" and inserting "2", changing the number of pharmacist board members. He said the same correction would have to be made on page 6, line 24.

After some discussion by the committee, REP. CONN moved a substitute motion to provide for 2 consumers and 3 pharmacists on the board.

REP. NILSON moved that the amendment DO PASS. The motion was seconded and PASSED UNANIMOUSLY.

REP. NILSON was assigned to CARRY THE BILL.

SB 391.

CHAIRMAN GOULD stated that he was disappointed to see the disagreement between the dentists and the dental hygienists. Two years ago, the same had occurred, but he thought the problem had been worked out. But, once again, the problem is here, he said.

REP. KEYSER MOVED that SB 391 DO PASS.

REP. KEYSER moved the amendments allowing a hygienist to practice without immediate supervision, in an institutional setting or in cases of emergencies, as written by RUSS JOSEPHSON, legal counsel for the committee. The amendments' motion PASSED by a vote of 9 YES and 4 NO votes, the NO votes being cast by REPRESENTATIVES SEIFERT, BENNETT, MANNING and METCALF.

REP. KEYSER MOVED that SB 391 DO PASS AS AMENDED. The motion PASSED UNANIMOUSLY.

REP. SEIFERT was appointed to CARRY THE BILL.

SB 397.

REP. SEIFERT moved that SB 397 BE CONCURRED IN.

REP. SEIFERT moved that the committee accept the STATEMENT OF INTENT. The motion was seconded and PASSED UNANIMOUSLY.

REP. SEIFERT moved that SB 397 BE CONCURRED IN AS AMENDED. The bill passed with one (1) NO vote by REP. KEYSER.

VIII

WITNESS STATEMENT

NAME [illegible] BILL No. SB 941

ADDRESS [illegible] DATE 3-15-91

WHOM DO YOU REPRESENT Blue Cross of California

SUPPORT ✓ OPPOSE _____ AMEND _____

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

Comments:

Blue Cross of California is in support of SB 941.

[illegible]

BEST COPY AVAILABLE

FORM CS-34
1-81

VISITORS' REGISTER

HOUSE Human Services COMMITTEE

BILL SB 397 Date 3/18/81

SPONSOR

NAME	RESIDENCE	REPRESENTING	SUPPORT	OPPOSE
Jan Brown	Helena	Mental Health Assn. of Mt.	✓	
Paul Moorman	Missoula	Mont. Psychol. Assn	—	

IF YOU CARE TO WRITE COMMENTS, ASK SECRETARY FOR LONGER FORM.

PLEASE LEAVE PREPARED STATEMENT WITH SECRETARY.

STATEMENT OF INTENT

SENATE BILL 397

Senate Public Health Committee

A Statement of Intent is required for this bill because it delegates rulemaking authority to the Board of Psychologists in section 7.

It is the intent of this bill that the Board adopt a code of ethics to define professional and unprofessional conduct by psychologists with primary emphasis being the protection of the public. The Board may adopt the code of ethics published by the American Psychological Association, and any subsequent revisions to the code may also be adopted.

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INTRODUCED BY S. BROWN, HIMSL

BY REQUEST OF THE LEGISLATIVE AUDIT COMMITTEE

A BILL FOR AN ACT ENTITLED: "AN ACT TO REESTABLISH THE BOARD OF PSYCHOLOGISTS UNDER EXISTING STATUTORY AUTHORITY AND RULES; ADDING TWO PUBLIC MEMBERS TO THE BOARD; AMENDING THE DEFINITION OF PSYCHOLOGY; DELETING CODE OF ETHICS REQUIREMENT FOR EXEMPTED PROFESSIONS; AMENDING THE DEFINITION OF PSYCHOLOGIST IN THE INSURANCE LAW; DELETING FELONY CONVICTION AS GROUNDS FOR DENIAL OR REVOCATION OF A LICENSE; AMENDING SECTIONS 2-8-103, 2-15-1617, 33-22-111, 37-17-102, 37-17-104, AND 37-17-311, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

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REFERENCE BILL

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(c) state banking board, department of business regulation, created by 2-15-1803;

(d) the state electrical board, created by 2-15-1654;

(e) the board of professional engineers and land surveyors, created by 2-15-1653;

(f) office of commissioner of insurance and the insurance department, state auditor's office, created by 2-15-1902 and 2-15-1903;

(g) office of the securities commissioner, state auditor's office, created by 2-15-1901;

(h) the board of landscape architects, created by 2-15-1652;

(i) the board of county printing, created by 2-15-1102;

(j) the board of plumbers, created by 2-15-1655;

(k) board of physical therapy examiners, created by 2-15-1628.

(5) The following agency terminates on July 1, 1987: board of psychologists, department of professional and occupational licensing, created by 2-15-1617."

Section 3. Section 2-15-1617, MCA, is amended to read:

"2-15-1617. Board of psychologists. (1) There is a board of psychologists.

(2) The board consists of ~~three~~ five members appointed by the governor. ~~The governor shall appoint all members,~~

~~including--a-member-filling-a-vacancy-for-an-unexpired-term~~ ~~from-the-list-of-licensed-psychologists-in-this--state.~~ One member must be a licensed psychologist in private practice, one member must be a licensed psychologist in public health, one member must be a licensed psychologist engaged in the teaching of psychology, and two members must be from the general public. A member may not succeed himself but may be reappointed after 3 years following the termination of his previous appointment. ~~Each-member-shall-be-a-citizen-of-the United-States-and-a-resident-of-this-state.~~

(3) ~~Each-member~~ Members shall serve ~~for-a--term--of--3~~ years staggered 3-year terms."

Section 4. Section 33-22-111, MCA, is amended to read:

"33-22-111. Policies to provide for freedom of choice of practitioners -- professional practice not enlarged. (1) All policies of disability insurance, including individual, group, and blanket policies and all policies insuring the payment of compensation under the Workers' Compensation Act shall provide the insured shall have full freedom of choice in the selection of any duly licensed physician, osteopath, chiropractor, optometrist, chiropodist, or ~~clinical~~ psychologist for treatment of any illness or injury within the scope and limitations of his practice. Whenever such policies insure against the expense of drugs, the insured shall have full freedom of choice in the selection of any

duly licensed and registered pharmacist.

(2) Nothing in this section shall be construed as enlarging the scope and limitations of practice of any of the licensed professions enumerated in subsection (1); nor shall this section be construed as amending, altering, or repealing any statutes relating to the licensing or use of hospitals."

Section 5. Section 37-17-102, MCA, is amended to read:

"37-17-102. Definitions. Unless the context requires otherwise, in this chapter the following definitions apply:

(1) "Accredited college or university" means a college or university accredited by the regional accrediting association for institutions of higher learning, such as the northwest association of secondary and higher schools.

(2) "Board" means the board of psychologists provided for in 2-15-1617.

(3) "Department" means the department of professional and occupational licensing provided for in Title 2, chapter 15, part 16.

(4) A person represents himself to be a "psychologist" when he holds himself out to the public by a title or description of services incorporating the words "psychologist", "psychological", "psychologic", or "psychology" and offers to render or renders psychological services defined in subsection (5) of this section to

individuals, groups, corporations, or the public for compensation or fee.

(5) "Practice of psychology" means the application, while representing oneself to be a psychologist, of principles, methods, and procedures of understanding, predicting, and influencing behavior, such as the principles pertaining to learning, perception, motivation, thinking, emotions, and interpersonal relationships; the methods and procedures of interviewing, counseling, and behavior modification, including psychotherapeutic techniques and hypnosis; and constructing, administering, and interpreting tests of mental abilities, aptitudes, interests, attitudes, personality characteristics, emotions, and motivation."

Section 6. Section 37-17-104, MCA, is amended to read:

"37-17-104. Exemptions. This chapter does not prevent:

(1) qualified members of other professions, such as physicians, social workers, lawyers, pastoral counselors, or educators, from doing work of a psychological nature consistent with their training ~~and the codes of ethics of their respective professions~~ if they do not hold themselves out to the public by a title or description incorporating the words "psychology" or "psychologist";

(2) the activities, services, and use of an official title on the part of a person in the employ of a federal, state, county, or municipal agency or of other political

subdivisions or an educational or charitable institution insofar as these activities and services are a part of the duties of his office or position with the agency or institution;

(3) the activities and services of a student, intern, or resident in psychology pursuing a course of study at an accredited university or college or working in a generally recognized training center if these activities and services constitute a part of his supervised course of study;

(4) the activities and services of a person who is not a resident of this state in rendering consulting psychological services in this state when these services are rendered for a period which does not exceed, in the aggregate, 60 days during a calendar year if the person is authorized under the laws of the state or country of his residence to perform these activities and services; however, these persons shall report to the department the nature and extent of the services in this state if they exceed 10 days in a calendar year;

(5) a person authorized by the laws of the state or country of his former residence to perform activities and services, who has recently become a resident of this state and who has applied for a license in this state, from performing such activities and services pending disposition of his application;

(6) the use of the term "social psychologist" by a person who:

(a) has been graduated with a doctoral degree in sociology or social psychology from an institution and whose credits in sociology or social psychology are acceptable by a recognized educational institution;

(b) has passed comprehensive examinations in the field of social psychology as part of the requirement for the doctoral degree or who has had equivalent specialized training in social psychology; and

(c) has filed with the department a statement of facts demonstrating his compliance with this subsection;

(7) the offering of lecture services for a fee by a person exempted from licensing requirements by virtue of his employment;

(8) activities of a psychological nature on the part of a person who is a salaried employee of an accredited academic institution, governmental agency, research laboratory, or business corporation if he is performing the duties for which he is employed by the organization within the confines of the organization."

Section 7. Section 37-17-311, MCA, is amended to read:

"37-17-311. Denial or revocation of license -- grounds -- notice and hearing. (1) A license applied for or issued under this chapter may be refused or revoked by the board on

proof that the person to whom the license was issued:

~~(a)--has-been-convicted-of-a-felony;~~

~~(b)~~(a) has been guilty of fraud or deceit in securing the license or a renewal;

~~(c)~~(b) is using a narcotic or an alcoholic beverage to an extent that the use impairs his ability to perform the work of a professional psychologist with safety to the public; or

~~(d)~~(c) has been guilty of unprofessional conduct as defined by the code of ethics ~~published-by-the-American psychological-association~~ adopted by the board.

(2) The board may not revoke or refuse to issue or renew a license for any cause other than failure to pay fees unless the person is given notice and opportunity for a hearing before the board."

Section 8. Effective date. This act is effective on passage and approval.

-End-